

Remarks and Arguments

In the final office action mailed September 9, 2005, the Examiner repeated his obviousness rejection over Valyi U.S. Patent 5,884,785 in view of Tsukada U.S. Patent 4,591,060 for the reasons previously of record. In response to Applicant's argument that Valyi fails to disclose Applicant's **expanded** neck, the Examiner responded:

"However, Valyi discloses that the finish is kept from moving axially by expansion of the preform under flange 22 (column 4, lines 23-25). The area adjacent the flange, that is the area above and below the flange are part of the neck (see especially Fig. 4). Therefore, in contrast to Applicant's assertion, Valyi discloses an expanded neck."

Without conceding whether, as the Examiner contends, the area above and below the flange are part of the neck, Valyi still fails to disclose securement of a finish ring **to an expanded neck**.

On January 9, 2006, the undersigned attorney telephoned the Examiner to discuss this difference over Valyi. In regard to claim 3, Applicant's attorney pointed out that the claim recites a neck "being circumferentially expanded subsequent to molding," "at least partially crystallized subsequent to expansion," and "a finish ring externally secured to said neck subsequent to crystallizing said neck." Therefore, the finish ring must be secured to an **expanded and crystallized** neck. In contrast, Valyi secures a finish ring to an unexpanded neck.

Applicant proposed amending claim 3 to specify "a finish ring externally secured to said expanded and crystallized neck." The Examiner indicated that Applicant would need to file an RCE in order to have such an amendment considered.

Applicant is hereby filing an RCE with amended claims as indicated. Applicant has also added dependent claims to the independent finish and method claims. Applicant notes that method claims 6, 9 and 10 each specify a sequence of steps, in which it is clear that the finish ring is required to be secured to an expanded neck.

Support for the dependent claims is found in the original specification as follows:

Claim	Support
11, 21, 31, 41	page 4, lines 15-16
12, 22, 32, 42	page 2, lines 10-11
13, 23, 33, 43	page 2, line 22 to page 3, line 4
14, 24, 34, 44	page 3, lines 5-12
15, 25, 35, 45	page 4, lines 9-10
16, 26, 36, 46	page 4, line 20
17, 27, 37, 47	page 5, line 16
18, 28, 38, 48	page 5, lines 19-21
19, 29, 39, 49	page 5, line 22
20, 20, 40, 50	page 6, lines 17-20

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

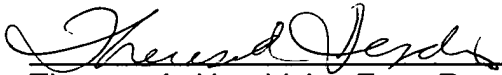
Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted



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